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APPL NO.	FILING OR 371 (C) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/643,209	(08/18/2003)	3682	972	ZERNICKEL-2	2	24	3
	-- 08/15/2003 --						

CONFIRMATION NO. 4020

## UPDATED FILING RECEIPT



\*OC000000011853095\*

020151  
HENRY M FEIEREISEN, LLC  
350 FIFTH AVENUE  
SUITE 4714  
NEW YORK, NY 10118

Date Mailed: 02/06/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Alexander Zernickel, Herzogenaurach, GERMANY;  
Horst Doppling, Herzogenaurach, GERMANY;

**Assignment For Published Patent Application**

INA-SCHAEFFLER KG, Herzogenaurach, GERMANY;

**Domestic Priority data as claimed by applicant**

This application is a CON of PCT/EP02/00675 01/24/2002

**Foreign Applications**

GERMANY 101 06 982.0 02/15/2001

**If Required, Foreign Filing License Granted: 11/13/2003**

**Projected Publication Date: 05/20/2004**

**Non-Publication Request: No**

**Early Publication Request: No**

**Title**

Linear guide

**Preliminary Class**

384

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



*Receipt*

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No.: ZERNICKEL-2

In re Application of:	)
ALEXANDER ZERNICKEL & HORST DÖPPLING)	
Appl. No.: 10/643,209	)
	Art Unit: 3682
Filing Date: August 15, 2003	)
For: LINEAR GUIDE	)

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
Office of Initial Patent Examination's  
Filing Receipt Corrections  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on February 12, 2004.  
(Date)

HENRY M. FEIEREISEN

Name of Registered Representative

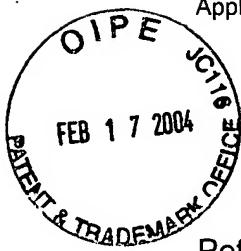
2-12-2004

Signature

Date of Signature

SIR:

Applicant herewith requests that a corrected Filing Receipt be issued setting forth the correct filing date of the application. In the Filing Receipt and the Updated Filing Receipt as mailed to the undersigned, the Patent and Trademark Office appears to have incorrectly indicated "08/18/2003", instead of correctly -- 08/15/2003--.



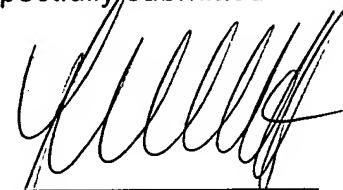
The undersigned is referring to the attached copy of the Decision Granting Petition, dated December 11, 2003, which states that the Office of Initial Patent Examination will correct the filing date of the application to August 15, 2003, and mail a corrected filing receipt.

Attached is a copy of the filing receipt showing the requested correction. No fee is due.

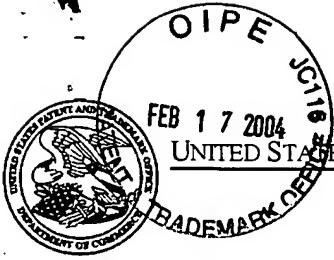
The Commissioner is hereby authorized to charge fees which may be required, or credit any overpayment to Deposit Account No.: 06-0502.

Respectfully submitted

By: \_\_\_\_\_

  
Henry M. Feiereisen  
Agent For Applicant  
Reg. No. 31,084

Date: February 12, 2004  
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**COPY MAILED**  
**DEC 11 2003**

**OFFICE OF PETITIONS**

In re Application of  
Zernickel et al.  
Application No. 10/643,209  
Filed: August 15, 2003  
Attorney Docket No. ZERNICKEL-2

**DECISION GRANTING PETITION**

This is a decision on the paper entitled "REQUEST TO GRANT A FILING DATE OF AUGUST 15, 2003" filed on October 9, 2003, and supplemented on October 14, 2003, requesting that the above-identified application be accorded a filing date of August 15, 2003, rather than the presently accorded filing date of August 18, 2003, due to an interruption in the postal service. The request is being treated as a petition under 37 CFR 1.181.

The USPTO designated the interruption in the service of the USPS that occurred as a result of the power outage on Thursday, August 14, 2003, in the Northeast and Midwest United States as a postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). On August 15, 2003, a notice was posted on the USPTO website which indicated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 during the USPS service interruption, but which was not filed due to the USPS service interruption, should be promptly filed after the termination of the interruption with a statement that the correspondence would have been deposited with the USPS but for the designated interruption or emergency in "Express Mail" service. Thereafter, on August 19, 2003, a second notice was posted on the USPTO website which indicated that the USPTO had terminated the designation of this interruption in the service of the USPS as postal service interruption and an emergency within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). This notice stated that correspondence that would have been filed with the USPTO under 37 CFR 1.10 on August 14, 2003, through August 16, 2003, but which was not filed due to the USPS service interruption, should now be filed with the USPTO under 37 CFR 1.10 with a statement that the correspondence would have been deposited with the USPS on August 14, 2003, August 15, 2003, or August 16, 2003, but for the designated interruption in the "Express Mail" service of the USPS. *See United States Postal Service Interruptions and Emergency Terminated*, 1274 Off. Gaz. Pat. Office 105 (September 16, 2003). This notice also made it clear that the provisions of 35 U.S.C. 21(a) and 37 CFR

1.6(e) apply only to postal service interruptions and emergencies and not to other exigencies such as the unavailability of a computer or the inaccessibility of an office or building other than a USPS facility.

The transmittal letter that was filed with the application on filing included a statement that "the correspondence would have been deposited with the United States Postal Service on Friday, August 15, 2003 if it were not for the interruption or emergency in 'Express Mail' service as a result of the power outage that affected New York City." However, the application was also accompanied by a paper entitled "COMMUNICATION" which indicated that the Empire State Building was sealed off on August 15, 2003 as a result of the power outage and that, since the offices of applicant's representative were located in the Empire State Building, he was unable to carry out the required submission of the application on August 15, 2003.

Thereafter, on October 9, 2003, the instant petition was filed. Petitioners' attorney, Henry Feiereisen, stated that an Express Mail envelope was prepared on August 14, 2003, for subsequent depositing with the USPS facility located in the Empire State Building and that the Express Mail envelope contained necessary papers for filing an application, including a complete specification, a self-addressed post card and an Information Disclosure Statement. According to petitioners' attorney, the transmittal letter was in the process of being printed out and contained a reference to the application date of August 14, 2003, but before the transmittal letter was printed out, the power outage occurred. Petitioners' attorney stated that the USPS facility located in the Empire State Building was inaccessible after the power outage and remained closed on August 15, 2003. Petitioners' attorney indicated that on Monday, August 18, 2003, the transmittal letter was changed to reflect the date of August 18, 2003. Petitioners' attorney stated that he "made two unsuccessful attempts on August 15, 2003 to reach the USPS (as well as its offices) to deposit the application papers." Petitioners' attorney again stated that "the application papers would have been deposited with the United States Postal Service on Friday August 15, 2003 but for the interruption or emergency in 'Express Mail' service as a result of the power outage that affected New York City."

On October 14, 2003, after a telephone communication between Mr. Feiereisen and the undersigned, a supplement to the petition was filed to clarify the situation. Petitioners' attorney stated that "upon leaving the offices on Thursday, August 14, 2003, he took the prepared Express Mail envelope, containing the papers for filing an application, including the complete specification, a self-addressed post card and an Information Disclosure Statement, except for the transmittal letter, with him, and tried to deposit twice the Express Mail envelope on August 15, 2003" and that both times he "was unsuccessful to reach the USPS to deposit the application papers."

In view of the circumstances, the petition is granted. No petition fee is required.

After the mailing of this decision, the Office of Initial Patent Examination will correct the filing date of the application to **August 15, 2003**, and mail a corrected filing receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5586.

*Eugenia A. Jones*  
Eugenia A. Jones  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy